

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
July 6, 2009

**D054856     In re Branch on Habeas Corpus**

The petition is denied.

**D053574     Conservatorship of Becerra**

The petition for rehearing is denied.

**D054659     In re Johnson on Habeas Corpus**

For good cause shown, respondent is ordered to show cause why the relief requested should not be granted.

The Clerk of the Court is directed to provide Appellate Defenders, Inc., with copies of the petition, informal response and reply. Appellant Defenders is directed to submit, within 10 court days, a recommendation for counsel to represent petitioner in this matter.

Within 30 days after appointment of counsel, petitioner is directed to file a supplemental petition. Respondent may file a return within 30 days after the supplemental petition is filed. Petitioner may file a traverse within 20 days after the return is filed.

Absent a request by the parties within 10 days after the return is filed, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes.

**D055240     Jon S. et al. v. Superior Court of San Diego/San Diego County Health and Human Services Agency**

The attorney for petitioner Jon S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Jon S. is dismissed.

**D055166     B. B. v. Superior Court of San Diego/San Diego County Health and Human Services Agency**

The attorney for petitioner B.B. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

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July 6, 2009 (Continued)

**D055168     T.H. v. Superior Court of San Diego/San Diego County Health and Human Services Agency**

The attorney for petitioner T.H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D055211     D.S. v. Superior Court of San Diego/San Diego County Health and Human Services Agency**

The attorney for petitioner D.S. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D054507     Genica Corporation v. Emrich**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

**D053717     K2 Construction, Inc. v. Anjani Investments, Inc.**

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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July 7, 2009

- D054466     Stone et al. v. Singer et al.**  
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D053538     People v. Habib**  
The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.
- D054541     In re Lamont R., a Juvenile**  
The appeal is dismissed. Aaron, J.; We Concur: Huffman, Acting P.J., Haller, J.
- D054961     People v. Coplen**  
The judgment on count 6 is reversed. Upon remand on that count, the trial court is directed to: (1) enter a judgment of conviction for violation of section 148.9, a misdemeanor, which is stayed pursuant to section 654; (2) amend the abstract of judgment to reflect the correct determinate felony sentence; and (3) forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. The trial court is also directed to amend the January 1, 2008, minute order to reflect that the jury found the great bodily injury allegations in counts 3 and 4 not true. The judgment is affirmed in all other respects.  
McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.
- D055415     In re Michael V., a Juvenile**  
Because there is a reference to a Welfare & Institutions Code Section 366.26 hearing, any issues that might be raised are not appealable. (*Anthony D. v. Superior Court* (1998) 63 Cal.App.4th 149.) The appeal (D055415) is dismissed. The notice of intent (D055398) filed June 29, 2009, shall proceed in accordance with California Rules of Court, rules 8.452 and 5.600.
- D054265     In re Michael L., a Juvenile**  
The order is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.
- D054572     People v. Davila**  
Appellant has failed to file a brief after notice given. The appeal is dismissed.
- D053329     In re the Marriage of Guevara**  
The orders appealed from are reversed with directions to vacate the order setting aside the July 25, 2000 stipulation and order, and to reevaluate the reserved support and property issues, in light of the current circumstances of the parties and the procedural status of the case. The parties shall bear their own costs on appeal.  
Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 7, 2009 (Continued)

**D055038     Imperial Investors v. Superior Court of Imperial County/Carol Ann Saikhon, LP et al.**

The petition is denied.

**D053859     Luzania v. American Brokers Conduit et al.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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July 8, 2009

- D052678     People v. Cross**  
The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Aaron, J.
- D053441     People v. Ratliff**  
The judgment is affirmed.  
O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.
- D054138     People v. Ventura**  
Affirmed. Haller, Acting P.J.; We Concur: McDonald, J., Aaron, J.
- D053678     New Century Corporation v. Positive Investments, Inc.**  
NCC's appeal is partially dismissed as moot. The court's order denying fees to PII it incurred in the bankruptcy proceedings is reversed, and the court is ordered to award PII an additional \$31,010.77 in attorney fees. In all other respects, the judgment is affirmed. PII shall recover its costs on appeal.  
Nares, J.; We Concur: McConnell, P.J., McIntyre, J.
- D054974     People v. Bryant**  
**D054990     People v. Bryant**  
The pending petition for writ of habeas corpus, In re Bryant, D054990, is consolidated with the pending appeal, People v. Bryant, for disposition.
- D054974     People v. Bryant**  
**D054990     People v. Bryant**  
(Consolidated) The judgment is affirmed; the petition for writ of habeas corpus is denied. McIntyre, J.; We Concur: Benke, Acting P.J., Irion, J.
- D052937     Griep v. Pereira**  
The trial court's order is reversed insofar as it denied any equitable offset, and affirmed as to the balance. Upon remand, the trial court shall allow any appropriate further proceedings that will enable it to evaluate the applicable equitable criteria and to determine the amount of any credits or offsets to be applied to the arrearages judgment, based upon the relative positions of the parties while Father had sole custody of Minor. Each party to bear his, her, or its own costs on appeal.  
Huffman, Acting P.J.; We Concur: McDonald, J., Aaron, J.
- D054837     In re Harbour on Habeas Corpus**  
The petition is denied.

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DIVISION ONE

July 8, 2009 (Continued)

- D054849     Johnson et al. v. Superior Court of San Diego/Hallam et al.**  
The petition is denied because petitioners have an adequate remedy by way of their pending appeal Hallam et al. v. Johnson et al., No. D054852.
- D054057     In re N.G. et al., Juveniles**  
The orders are affirmed. Huffman, J.; We Concur: McConnell, P.J., Nares, J.
- D054759     In re Sandoval on Habeas Corpus**  
The petition is denied.
- D055427     Rahmanian et al. v. The Superior Court of San Diego County/Cal-Western Reconveyance Corporation**  
The petition is denied.
- D054813     In re Hammer on Habeas Corpus**  
The petition is denied.

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July 9, 2009

- D054238     In re Jay P., a Juvenile**  
The order is affirmed. McConnell, P.J.; We Concur: Nares, J., McIntyre, J.
- D052024     In re the Marriage of Purdy**  
The judgment is affirmed.  
McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D054188     In re Jason J., a Juvenile**  
The judgment terminating parental rights is affirmed.  
McConnell, P.J.; We Concur: Huffman, J., O'Rourke, J.
- D053646     Poway Royal Mobilehome Owners Association v. City of Poway et al.**  
The judgments are affirmed. The City and the Redevelopment Agency are entitled to costs on appeal. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.
- D053247     People v. Landa**  
**D054407     In re Landa on Habeas Corpus**  
The pending petition for writ of habeas corpus, in re Robert Manuel Landa, D054407, is consolidated with the pending appeal, People v. Landa, D053247, for disposition.
- D053247     People v. Landa**  
**D054407     In re Landa on Habeas Corpus**  
(Consolidated) The judgment is affirmed and the petition for writ of habeas corpus is denied. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.
- D054283     In re A.G., a Minor**  
**D054725     In re A.G., a Minor**  
The pending petition for writ of habeas corpus, In re Michael R. D054725, is consolidated with the pending appeal In re A.G. D054283, for disposition.
- D054283     In re A.G., a Minor**  
**D054725     In re A.G., a Minor**  
Judgment affirmed; petition denied.  
Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

July 9, 2009 (Continued)

**D054126     In re Shyann B., a Juvenile**

The order terminating parental rights is reversed and the juvenile court is directed to comply with the notice provisions of ICWA. If, after proper inquiry and notice, a tribe does not intervene, the court shall reinstate the order. If a tribe intervenes, the court is ordered to conduct a new section 366.26 selection and implementation hearing in accordance with ICWA. (In re Francisco W. (2006) 139 Cal. App. 4th 695, 705-706; In re Jonathan D. (2001) 92 Cal. App. 4th 105, 111-112.)  
Huffman, J.; We Concur: Benke, Acting P.J., Irion, J.

**D054779     People v. Singh**

The judgment is affirmed.  
McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D054599     In re Julio R. et al., Juveniles**

The appeal is dismissed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D055416     Parker v. Superior Court of San Diego County/People**

The petition is denied without prejudice to refiling in the Second District.



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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July 10, 2009

- D053728     In re Moises V., a Juvenile**  
The judgment is reversed as to the count 2 battery (Pen. Code, § 242). In all other respects the judgment is affirmed. O'Rourke, J.;  
We Concur: Nares, Acting P.J., Aaron, J.
- D052982     Finkelstein v. Bastuba**  
The petition for rehearing is denied.
- D053214     Kahaunaele v. Tri-City Medical Center et al.**  
The judgment is reversed, and this action is remanded for further proceedings consistent with the opinion.  
Irion, J.; I Concur: Haller, Acting P.J., I Concur in the result: Aaron, J.
- D054663     In re Matthew P., a Juvenile**  
The appeal is dismissed. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.
- D054857     In re Rogers on Habeas Corpus**  
The petition is denied.
- D054068     In re Aaron G., a Juvenile**  
The order is affirmed.  
O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.
- D054879     In re Taylor on Habeas Corpus**  
The petition is denied.
- D055421     Sussman et al. v. Superior Court of San Diego County/Sani et al.**  
The petition for writ of mandate and request for stay have been read and considered by Justices Huffman, McIntyre and Irion. The petition is denied.